March 13, 2012

2012-R-0141

BOARDS OF EDUCATION AND EMINENT DOMAIN-UPDATED

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You asked us to update OLR Report <u>2012-R-0068</u>, which reports the results of a survey of Connecticut boards of education about their use of eminent domain for school projects in the last five years. Specifically, you wanted to know whether boards took residential property by eminent domain; whether the property owners contested a board's offer of compensation in court; and, for each court case, whether the court awarded different compensation than the board offered.

SUMMARY

Since our previous report, we received responses from an additional 35 boards of education. Only one (Ellington) reported a project which required the board to acquire property and the board did not use its eminent domain authority. Table one displays the additional boards of education that responded to our survey.

Table 1: Additional Boards of Education Responding to Our Survey

Bozrah	New Canaan		
Brooklyn	Norwalk		
Canterbury	Old Saybrook		
Cromwell	Plainfield		
Derby	Plainville		
East Granby	Regional School District 06 (Goshen, Morris, Warren)		
East Hampton	Regional School District 09 (Easton, Redding)		
Ellington	Regional School District 17 (Haddam, Killingworth)		
Franklin	Regional School District 18 (Lyme, Old Lyme)		
Guilford	Sterling		
Hamden	Stratford		
Hampton	Suffield		
Hebron	Vernon		
Lebanon	Wallingford		
Lisbon	Watertown		
Meriden	Windsor		
Naugatuck	Windsor Locks		
New Britain			

The section below updates the information contained in OLR Report 2012-R-0068.

SCHOOL PROJECTS AND EMINENT DOMAIN

The law allows boards of education to take property by eminent domain for school projects (CGS § 10-241a). In doing so, the board must seek town approval and follow the eminent domain procedures set out for redevelopment projects (see CGS § 8-129 et seq.). According to these procedures, the board must offer a property owner compensation for property taken by eminent domain, the owner can ask a court to review the board's offer of compensation, and the court can order a different amount.

We surveyed the state's 165 boards of education. We received responses from 94 or 56%. For these responding boards, only six reported conducting a project between 2007 and 2011 that required the board to acquire property. The six boards reported a total of seven projects during this time period, only three of which required the board to use its eminent domain authority. Waterbury reported taking six private residences by eminent domain, four of the owners contested the

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compensation for their property, and in all four cases the court awarded the owners the same amount that the board had offered as compensation.

Table 2 displays the updated survey results, showing the towns that reported conducting projects that required the board to acquire property in the last five years.

Table 2: Boards Reporting Projects Involving Property Acquisition and Use of Eminent Domain from 2007 to 2011

Board	Number of Projects Requiring Property Acquisition	Number of Projects Requiring Use of Eminent Domain	Number of Private Residences Taken by Eminent Domain	Number of Residential Property Owners who Contested Compensation in Court	Outcome of Court Action by Residence Owner
Regional School District 7 (Barkhamsted, Colebrook, New Hartford, Norfolk)	1	1*	0	0	N/A
Regional School District 16 (Beacon Falls, Prospect)	1	0	0	0	N/A
Ellington	1	0	0	0	N/A
Thomaston	1	0	0	0	N/A
Waterbury	2	2	6	4	Court awarded same amount as board offered in all four cases
Windham	1	0	0	0	N/A

^{*} Board took farm property by eminent domain, the owner contested compensation in court, and the court awarded less than the board's offer of compensation.

Table 3 lists the 86 boards of education that responded to our survey and reported no projects requiring property acquisition, by eminent domain or otherwise, from 2007 to 2011.

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Table 3: Boards of Education Reporting No Projects Requiring Property Acquisition from 2007 to 2011

Ansonia	Franklin	New Fairfield	Trumbull	
Barkhamsted	Granby	New London	Vernon	
Berlin	Greenwich	Newtown	Voluntown	
Bethany	Groton	Norfolk	Wallingford	
Bethel	Guilford	North Branford	Waterford	
Bozrah	Hamden	North Stonington	Watertown	
Brooklyn	Hampton	Norwalk	West Hartford	
Canterbury	Hebron	Norwich	Westbrook	
Cheshire	Lebanon	Old Saybrook	Willington	
Colchester	Ledyard	Plainfield	Wilton	
Cromwell	Litchfield	Plainville	Windsor	
Darien	Lisbon	Putnam	Windsor Locks	
Derby	Madison	Scotland	Wolcott	
East Granby	Manchester	Seymour	Regional School District 06 (Goshen, Morris, Warren)	
East Haddam	Mansfield	Sherman	Regional School District 09 (Easton, Redding)	
East Hampton	Meriden	Simsbury	Regional School District 10 (Burlington, Harwinton)	
East Hartford	Middletown	Stafford	Regional School District 12 (Bridgewater, Roxbury, Washington)	
East Lyme	Milford	Sterling	Regional School District 13 (Durham, Middlefield)	
Eastford	Montville	Stratford	Regional School District 17 (Haddam, Killingworth)	
Enfield	Naugatuck	Suffield	Regional School District 18 (Lyme, Old Lyme)	
Fairfield	New Britain	Tolland	Regional School District 19 (Ashford, Mansfield, Willington)	
Farmington	New Canaan	Torrington	Regional School District 8 (Andover, Hebron, Marlborough)	

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